

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

February 26, 2014

The meeting was called to order at 4:00 p.m. by Chairman Phil Conder at 1355 W 3100 S, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Barbara Thomas, and Clover Meaders

ABSENT

Harold Woodruff

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Lee Logston, Steve Lehman, Jody Knapp, and Nichole Camac

AUDIENCE

Approximately four (4) people were in the audience

ZONE TEXT CHANGE APPLICATION

ZT-2-2014

West Valley City

Amending Section 7-9-104 regarding computation of off-street parking spaces

City staff is proposing a zoning ordinance amendment to Section 7-9-104 which addresses off street parking requirements. Over the last year or so, staff has seen a number of requests from developers to reduce the amount of off-street parking required for a variety of business types. In addition to research presented by applicants in support of their requests, staff has compared our parking requirements to those of other Utah communities and compared our requirements to the Institute of Transportation Engineers (ITE) field observations. Staff has concluded that for a variety of business types, our parking requirements are higher than necessary and should be revised. Any recommended revision at least matches the ITE standard, and in some cases exceeds ITE standards.

Staff recommends the following revisions:

- Senior adult housing: add new category at **1 space/unit**
- Assisted living: add new category at **.6 space/unit**
- Medical and dental offices and clinics: lower requirement from 1 space/200 sq. ft. to **1 space/250 sq. ft.**
- Hotels: eliminate extended stay category; **all hotel types 1 space/room** plus ancillary use requirements
- Lumber yards and plant nurseries: lower requirement from 1 space/300 sq. ft. to **1 space/500 sq. ft.**
- Furniture and carpet retail outlets: add new category at **1 space/600 sq. ft.**
- Manufacturing: lower requirement from 1 space/500 sq. ft. to **1 space/800 sq. ft.**
- Warehousing: lower requirement from 1 space/1,000 sq. ft. to **1 space/2000 sq.ft.**

Staff Alternatives

1. Approval of the Ordinance Text Change
2. Continuance, to allow more time for staff to further refine the parking requirements or to address concerns raised at the public hearing.
3. Denial, the ordinance should remain unchanged.

Applicant:

West Valley City

Discussion: Lee Logston presented the application. Phil Conder stated that it seems, based on the pre-meeting discussion, that the Planning Commission would be more comfortable with the ordinance change if the senior adult housing parking ratio were removed. Lee indicated that staff would continue to consider senior apartments on a case by case basis if the Planning Commission is more comfortable with this. Jack Matheson indicated that this would be his preference and added that he is comfortable with the proposed ratio for assisted living since most people in these facilities do not drive. Brent Fuller commented that restaurants seem to have a high concern in the City and recommended that staff look at parking requirements for these a little more closely. Commissioner Matheson agreed and indicated that he has seen this problem in Highbury and many other places throughout the City.

Motion: Commissioner Thomas moved for approval subject to the revisions proposed by staff except for the first item regarding senior adult housing.

Commissioner Fuller seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner Meaders | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |
| Chairman Conder | Yes |

Unanimous-ZT-2-2014- Approved

SUBDIVISION APPLICATIONS

S-2-2014

**West Valley Commerce Center Subdivision – Lot 1 Amended
3318 South Decker Lake Drive
C-2 Zone
2 Lots**

BACKGROUND

Travis Cunningham, representing E Properties LLC, is requesting a plat amendment for lot 1 of the West Valley Commerce Center Subdivision. The amended subdivision is located in the C-2 Zone at approximately 3318 South Decker Lake Drive.

ISSUES:

The original West Valley Commerce Center Subdivision was recorded with the Salt Lake County Recorder's Office in October 1996. The purpose for the original subdivision was to create lots for commercial purposes including hotels and restaurants to support the Maverick Center.

The original restaurant located on the southeast corner of lot 1 was constructed in 1999. In 2004, the City approved a second restaurant on the north end of lot 1. Both restaurants are operating at this time.

In questioning the purpose for the amended plat, the applicant explained to staff that each restaurant owner operates under a separate lease. Each is responsible for maintenance and care of their own site as approved by the City. To ease the burden and confusion between restaurant owners, the property owner has selected an option to amend the plat. The amended plat would also provide an opportunity for the potential sale of one or both lots in the future.

A question was raised during the study session about maintenance of the parking lot and overall parking for these businesses. The property owner will be required to record documents that address cross access and parking arrangements. Maintenance of hard surfaced areas used by both restaurants would also be part of that document.

Both restaurants have been reviewed by the Planning Commission as a conditional use. To staff's knowledge, there are no outstanding issues related to these properties, nor are we aware of parking or

other issues related to this site.

STAFF ALTERNATIVES:

1. Approve the West Valley Commerce Center Subdivision Lot 1 Amended subject to a resolution of staff and agency comments.
2. Continue the application to address concerns raised during the Planning Commission hearing.

Applicant:

Joe Cunningham
4139 S Colt Court

Discussion: Steve Lehman presented the application. Jack Matheson asked if the easement that crosses the property affects the parking. Steve replied no and indicated that there would only be a concern if a structure was built on it. Barbara Thomas asked why there is a jog in the property line on the west side. Steve replied that he believes this reflects the location of the dumpster enclosure. Terri Mills asked if the division will open the door to adding additional access points. Steve replied that the applicant hasn't proposed any but added that if the applicant meets the standards, additional accesses cannot be prohibited. Commissioner Mills asked if a stipulation can be placed on the plat that eliminated this possibility. Steve replied no.

Joe Cunningham, the applicant, stated that one reason the split is taking place is to avoid problems with taxes between the two businesses. He indicated that the easement on the property is for a storm drain/sewer line and it cannot be built on. Mr. Cunningham stated that Costa Vida was looking at a possible drive through and a right only turn out but this would need to be submitted through the City and a traffic study would need to be conducted. He indicated that this isn't something that is currently being discussed. Mr. Cunningham stated that a cross access agreement and shared parking arrangement will be recorded with the plat and signed by the two business owners. He added that the jog in the property line is to accommodate the dumpster enclosure.

Motion: Commissioner Thomas moved for approval.

Commissioner Fuller seconded the motion.

Roll call vote:

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| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner Meaders | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |
| Chairman Conder | Yes |

Unanimous-S-2-2014- Approved

CONDITIONAL USE APPLICATIONS

C-3-2014

El Nino Auto (Everardo Collins)

4319 West 3500 South

C-2 Zone (.73 Acres)

The applicant, Everardo Collins with El Nino Auto, is requesting a conditional use amendment to expand their emissions and inspection business at 4319 West 3500 South. The zoning for this area is C-2, General Commercial. The West Valley City General Plan designates this area as Mixed Use. The surrounding zone is C-2 on the north, east and west sides with R-1-8 to the south. The surrounding uses include auto sales and service and retail and single family residential to the south.

The site has been approved for auto sales (C-23-2009), vehicle maintenance, detailing and washing (C-28-2009) as well as emissions and inspections with minor associated repairs (C-18-2012). At this time the applicant, Mr. Collins, would like to construct an additional 24'x25' building on site to house the emissions and inspection portion of the business. The building will be located to the south of the existing building on site. There will be 2 large overhead doors on the south side of that building with a man-door access along the west side. The building will be finished with a light tan stucco to match the existing building. Mr. Collins has also indicated that he will put windows in the west façade with a stucco trim which will also match the existing building.

A site review was conducted and several of the original conditions of approval are not in compliance at this time. This includes outside storage of tires and other materials and the gate on the dumpster enclosure is not in place. There is also currently a vehicle lift located outside in this area. This was installed per the DMV requirements for emissions and inspections. However, West Valley City requires that all work be conducted inside so that lift will be relocated inside of this new building as part of this expansion. The landscaping along the west side of the site is also in need of some maintenance and must be kept free of weeds. Lastly, all signage must comply with the West Valley City code and permits must be obtained for all signs on site.

Staff Alternatives:

Approval, subject to the original conditions of approval for this use, the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. The new building on site shall have a stucco façade that matches the existing building on site.
2. The west side of the new building shall contain windows with a stucco trim that matches the existing building.
3. The use on site is approved as follows:
 - a. Vehicle Sales
 - b. Maintenance and light mechanical work, including carwash and detailing for vehicles for sale.
 - c. Emissions and inspections including minor repairs associated with the emissions and inspections service.
4. All work conducted on vehicles must be completed within the enclosed buildings on site.
5. No emissions and inspections or repair work shall be done after 8:00 p.m., Monday through Saturday.

6. There shall be no outside storage of any kind including but not limited to inoperable vehicles, vehicle parts or tires.
7. Only vehicles which are for sale shall be stored onsite.
8. All signage shall comply with the West Valley City Sign Ordinance, including all wall, temporary and roof signs, and a Building Permit is required for all signage.
9. A six (6) foot high concrete or masonry enclosure with a solid gate must be constructed for the dumpster on site.
10. All landscaped areas must be properly maintained and kept free of weeds.
11. All requirements of affected departments and agencies must be met.
12. This use is subject to review upon a valid complaint.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Applicant:

Everardo Collins
4319 W 3500 S

Discussion: Jody Knapp presented the application. Everardo Collins, the applicant, indicated that he has addressed some of the concerns but is comfortable with a continuation so he can work with staff further. Jack Matheson asked if there is a cost to dispose of tires. Mr. Collins replied that they must be taken to a recycle plant and costs about \$80. Barbara Thomas asked if there are cars being painted. Mr. Collins replied that many cars are taken off site, repaired, and returned to be sold. He added that some vehicles are stored on the site while they await repair. Mr. Collins indicated that a landscaper will be coming to the site to fix landscaping concerns as well. Commissioner Thomas asked if the masonry wall is less than 6 feet. Mr. Collins replied that he will measure it and repair it if it is less than the required height. He stated that he will do what he can to help homeowners have a better view. Commissioner Thomas stated that a complaint was received regarding lighting. Mr. Collins replied that he wasn't aware of any problems. Jody replied that the lights do seem to meet the lighting plan proposed but stated that staff will look into this a little further. Jody asked if the applicant is open later than what the conditional use allows. Mr. Collins replied not typically.

Motion: Commissioner Fuller moved for a one month continuance to allow the applicant time to resolve issues on the property.

Commissioner Matheson seconded the motion.

Roll call vote:

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| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner Meaders | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |

Chairman Conder

Yes

Unanimous-C-3-2014- Continued

C-4-14

Fat Fish Sushi (Mai Nguyen)

1980 West 3500 South

C-2 Zone (1.9 Acres)

The applicant, Mai Nguyen, is requesting a conditional use amendment for a restaurant with liquor at 1980 West 3500 South. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zones include C-2 to the south, east and west and R-1-6 to the north. The surrounding uses include a vacant restaurant to the west, a convenience store, auto repair shop and residential homes to the east, and residential to the north.

A liquor license request for the Fat Fish restaurant was reviewed by the Planning Commission on July 10, 2013 under application C-32-2013. At that time the restaurant space was to be shared with an adjacent club, El Palenque. That application was denied and the uses on site could not be intensified because the original conditions of approval (C-25-2010) for the site had not been completed and the site was not in compliance.

Since that time the site improvements have been progressing. The parking lot, dumpster enclosure and landscaping requirements are complete. The street lights are the last remaining item that must be completed. The lights have been ordered so Mrs. Nguyen is just waiting for them to arrive and be installed. Also, the club space has been vacated and that use is no longer present at this site. There is still a shared access between the two tenant spaces but it is currently not being used for anything but some minor storage of restaurant items and equipment. Therefore, Mrs. Nguyen feels that she has resolved the issues that contributed to the application being denied the first time and has submitted a new application for the Planning Commission to consider.

Mrs. Nguyen is requesting a restaurant liquor license for the existing Fat Fish restaurant in order to serve heavy beer and Saki. This will be reviewed as a Limited Restaurant License through the Department of Alcohol and Beverage Control (DABC). The space is not to be shared with any additional tenants or uses and this license change would not increase the parking requirements for this site.

Staff Alternatives:

Approval, of the request for the addition of a restaurant with liquor subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. The restaurant with liquor license is for the Fat Fish restaurant only and shall not be used in conjunction with any other tenants or uses on site.
2. All requirements of affected departments and agencies must be met including but not limited to the Department of Alcohol and Beverage Control.
3. Subject to review upon valid complaint.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Denial, for reasons raised at the public hearing.

Applicant:

Mai Nguyen
2398 S Summit Circle

Favored:

Jack Jones
3334 S 1940 W

Discussion: Jody Knapp presented the application. Jack Matheson asked if the fence has been completed. Jody replied yes. Terri Mills asked if the dance floor for El Pelenque will now be the area the applicant uses for storage. Mai Nguyen, the applicant, replied yes. Barbara Thomas stated that the site looks good. Ms. Nguyen indicated that she purchased the neighboring property, Don Antonio's, and more changes will likely be coming.

Jack Jones, a neighbor, stated that Ms. Nguyen has done what she could with the existing buildings and he feels she has done a good job. He indicated that he was concerned with the site but is comfortable with progress that the applicant has made. Mr. Jones indicated that he was concerned liquor would be taken outside the restaurant but after hearing how the restaurant will function he no longer has this concern.

Motion: Commissioner Thomas moved for approval subject to the 3 staff conditions.

Commissioner Matheson seconded the motion.

Roll call vote:

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| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner Meaders | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |
| Chairman Conder | Yes |

Unanimous-C-4-2014- Approved

PLANNING COMMISSION BUSINESS

Approval of Minutes from February 12, 2014 (Regular Meeting) **Approved**

Approval of Minutes from February 19, 2014 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:39 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant